IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 13984 of 2004

Between:

Shaik Mahboob, S/o. Shaik Chand,
R/o. H.No. 13-3-1109/2 Sabzimandi, Hyderabad.

... PETITIONER

AND

1 The Commissioner of Police, Hyderabad.
2 The Inspector of Police, Police Station Tappa Chabutra,

Hyderabad.
3 Mohd. Azmath, S/o. Mohd. Sardar Ali,
R/o. H.No. 10-5-358/A, Ahmednagar, First Lancer Masab

Tank, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ order or direction declaring the inaction of respondent No. 2 in investigating and submitting final report in Crime No. 64/03 under Section 448 and 380 I.P.C. against respondent No. 3 illegal arbitrary and null and void and the respondent No. 2 may be directed to investigate the case and submit final report in Crime No. 64/03 against the respondent No. 3 in the interest of Justice.

Counsel for the Petitioner:MR.MOHD. GHULAM HUSSAIN

Counsel for the Respondent Nos.1 & 2: GP FOR HOME

Counsel for the Respondent No.3: NONE APPEARED

The Court made the following :

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O R D E R:

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This writ petition is filed seeking a writ of mandamus declaring the inaction of the second respondent in investigating the Crime No.64/2003 and in failing to submit a final report in that regard, as illegal and arbitrary.

Petitioner submitted a complaint before the second respondent alleging an offence under Sections 448 and 380 of Indian Penal Code against the third respondent. According to the petitioner, the second respondent did not evince any interest and no steps were taken by him to file a final report into the Court.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

After receiving notice in the writ petition and after taking certain adjournments, the learned Government Pleader has placed before this Court the record relating to Crime No.64/2003. It is evident from the record that the final report has since been filed by the second respondent into the trial Court on 14.07.2003. The petitioner remained under the impression that no such report was filed on the ground that he was not put on notice of the same. It is true that under Section 173 of the Criminal Procedure Code, the investigating officer is under obligation to inform of the factum of submission of the final report to the complainant in accordance with the procedure prescribed by the Government. The file discloses that a notice has been dispatched to the petitioner. At any rate, once the final report forms part of the record of the trial Court, the petitioner can certainly be served with notice under Section 173 of Criminal Procedure Code.

The writ petition is accordingly disposed of. There shall be no order as to costs.

30th November, 2004

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To

1 The Commissioner of Police, Hyderabad.
2 The Inspector of Police, Police Station Tappa Chabutra,

Hyderabad.
3 Two C.Cs.to the Government Pleader for Home,

High Court buildings, Hyderabad (OUT)

4 Two C.D.copies